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**FAX** INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	Charles Alan Marmor II - Art Unit 3736	Client:	1139.20.DIV2
Fax:	(703) 872-9302	Pages:	15 including coversheet
Phone:	(703) 305-3521	Date:	January 10, 2005
Re:	USSN 10/708,711	CC:	John S. Fisher, M.D.

Urgent  For Review  Please Comment  Please Reply  Please Recycle

Dear Examiner Marmor:

In response to the non-final office action mailed November 18, 2004, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 10, 2005 (2 pages);
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 10, 2005 (10 pages); and
- 3) Application Data Sheet (2 pages).

Very respectfully,

Ronald E. Smith  
 Reg. No. 28,761

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/708,711 Confirmation No.: 2710  
Applicant: : John S. Fisher  
Filed: : 03/19/2004  
Art Unit : 3736  
Examiner : Charles Alan Marmor II  
  
Docket No. : 1139.20.DIV2  
Customer No. : 21,901  
For : Dual Action Aspiration Biopsy Needle

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Faxed to Technology Center 3700 at (703) 872-9302  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is an independent inventor. A statement was already filed.

**EXTENSION OF TERM**

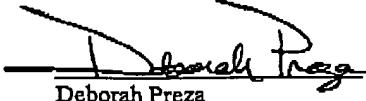
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3736, Attn: Mr. Charles Alan Marmor II, (703) 872-9302 on January 10 2005.

Dated: January 10, 2005

  
Deborah Preza

(Amendment Transmittal-page 1)

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

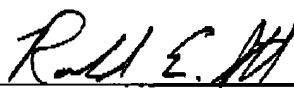
(Col. 1)	(Col. 2)	(Col. 3) SMALL ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total 16	Minus 20	= 0	x \$25 =	\$0
Indep. 2	Minus 3	= 0	x \$100 =	\$0
First Presentation of Multiple Dependent Claim			+ \$180 =	\$0
			Total Addit. Fee	\$0

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
- \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
- \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No. 28,761  
Tel. No.: (727) 507-8558

Ronald E. Smith  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760

(Amendment Transmittal—page 2)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/708,711	Confirmation No.: 2710
Applicant:	:	John S. Fisher	
Filed:	:	03/19/2004	
TC/A.U.	:	3736	
Examiner	:	Charles Alan Marmor II	
Docket No.	:	1139.20.DIV2	
Customer No.	:	21901	
For	:	Dual Action Aspiration Biopsy Needle	

Faxed to Technology Center 3736 at (703) 872-93022  
Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT A

## Introductory Comments

Sir:

In response to the Examiner's Action mailed 11/18/2004, having a shortened statutory period for response set to expire 02/18/2005, the above-identified patent application is amended a first time as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 4 of this paper.

**Remarks** begin on page 8 of this paper.